

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

SOPHIA LANE and JASON LANE,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 3:18-cv-00888
)	
)	
BOSTON SCIENTIFIC CORPORATION,)	
)	
Defendant.)	

**DEFENDANT BOSTON SCIENTIFIC CORPORATION'S
MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

Defendant Boston Scientific Corporation (“Boston Scientific”) moves the Court to dismiss the claims asserted in Plaintiffs Sophia Lane and Jason Lane’s (“Plaintiffs”) Complaint, with prejudice, pursuant to Fed. R. Civ. P. 12(b)(6), for failure to state a claim upon which relief can be granted. Plaintiffs’ Complaint fails to state a claim upon which relief can be granted because it does not set forth facts sufficient to state any cognizable claims for relief. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). Indeed, Plaintiffs’ Complaint consists of nothing more than conclusory allegations and a formulaic recitation of legal elements. *See generally* Compl, Dkt. #1.; *id.* at 555. Plaintiffs also fail to plead their fraud-based claims with the requisite particularity required by Fed. R. Civ. P. 9(b). Accordingly, the Court should dismiss all of Plaintiffs’ claims against Boston Scientific pursuant to Rule 12(b)(6).

Respectfully submitted,

s/Samuel L. Felker

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CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2018, the foregoing was filed via the Court's Electronic Filing System. Therefore, notice of this filing will be sent by operation of the Court's Electronic Filing System to all parties of record:

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